

SERVICE OF SUMMONS BY PUBLICATION

King County Family Law Facilitators: Instruction # S-4
CR 4(d)(3) and RCW 4.28.100-110

If you do not know where the opposing party lives, the law requires you to make an honest, diligent and reasonable effort to locate the opposing party. **You must describe in detail what efforts you made to find the person in your request to the Court. Such efforts may include checking a phone book or reverse directory in the location where the person last lived, calling directory assistance, checking internet resources and talking with the opposing party's friends, relatives, neighbors, co-workers, and employers. You should provide the Court with the names of the people you talk to. You may also ask the post office to do a postal trace or contact a tracing service.**

If you have made a reasonable effort to find the opposing party and you have no information about his or her whereabouts, you may ask the Court for permission to serve the opposing party by publication. If the Court allows you to serve by publication, you must have a local newspaper publish your Summons. The Summons must be published once a week for six weeks in a row. Service by publication can be very expensive and should only be used as a last resort. If there is any family member who has regular contact with the opposing party, you should consider asking the Court for permission to serve by mail, rather than publication (see Facilitator Instruction # S-3).

WARNING: Service by publication may not be appropriate for certain types of actions, for example, modification of a prior child support order. It is advisable to obtain legal advice on the appropriateness of service by publication in your particular action before proceeding.

STEP 1: OBTAIN AND COMPLETE THE REQUIRED FORMS

- **Motion and Declaration for Service of Summons by Publication, WPF DRPSCU 01.0260**
 - Fill in the case caption (names of the petition and respondent, upper left of form) and case number (next to "NO.", upper right of form).
 - In Section I. Motion, fill in your name ("moving party"), the date you are signing, and sign and print your name on the lines as indicated.
 - In Section 2.1, check the box(es) which apply in your case, and fill in the name of the party you are seeking to serve by publication ("nonmoving party") on the appropriate line(s). If you check the "other:" box, you must also state what that 'other' is.
 - You must complete Section 2.2 by stating the facts which support the allegations you made in Section 2.1.
 - In Section 2.3 you must indicate the specific things you have done to try to find the other party, such as talking to their friends, relatives, or co-workers, or going to their house.

- In Section 2.4, check the box that applies, and be sure to date, indicate the place of signing, and sign and print your name again on the lines as indicated. Make a copy of this document for your own records.

Take the completed original of this document with you to Court as described in Step 2.

- **Order for Service of Summons by Publication, WPF DRPSCU 01.0265**

- Fill in the case caption (names of the petition and respondent, upper left of form) and case number (next to "NO.", upper right of form).
- In Section I. Basis, fill in your name ("moving party").
- In Section II. Findings, fill in the name of the party being served by publication ("nonmoving party").
- Sign and print your name under "Presented by" at the bottom of the form. You will be asking the Commissioner to sign and date this order.
- Make a copy of this document for your records.

Take the completed original of this document with you to Court as described in Step 2.

- **Summons by Publication, WPF DRPSCU 01.0270 Mandatory**

- Fill in the case caption (names of the petition and respondent, upper left of form) and case number (next to "NO.", upper right of form).
- In Sections 1 and 2 check only the boxes that apply to your case, but make sure to check every box that applies, and complete every blank that applies. *If you do not properly complete Sections 1 and 2 of the Summons by Publication, the requested relief, including entry of the Findings and Decree, may not be granted when you appear to finalize your action.*
- In Section 3, leave the date of first publication blank and the newspaper will fill this in for you, or will tell you the date of first publication.
- In Section 4, check the box (only one) to respond to the type of case you filed.
- Sign and date the form, fill in the address of the court, and fill in your name and address at the bottom.
- Make a copy of this document for your own records.

Take the completed original of this document with you to Court as described in Step 2.

If you have a last known address for the opposing party, mail a copy of the Summons by Publication and a copy of the Petition to him or her before you go on to Step 3.

STEP 2: PRESENT YOUR FORMS TO THE EX PARTE COMMISSIONER
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Make a copy of your completed forms. Take the original Motion and Declaration form, Summons by Publication and Order for Service of Summons by Publication along with the copy of the Order for Service of Summons by Publication to the Clerk's Office and pay the Ex-Parte via the Clerk processing fee. Complete the ex-parte cover sheet and select the method for picking up your copy of the signed order. The Clerk will present the order to the Commissioner on your behalf. After the order has been signed the Clerk will

automatically file the original documents and return the copy of the order to you via the method you requested.

STEP 3: ARRANGE FOR PUBLICATION OF THE SUMMONS BY PUBLICATION

Contact a newspaper that is generally available in **the county where you have filed your action** and arrange to have the Summons by Publication published. Attached to these instructions is a list of newspapers in King County in which the Summons may legally be published. Newspapers are free to charge what they wish for publication, so you may wish to “shop” for the best rate. The Summons must be published once a week for six weeks in a row. You will have to pay to have the newspaper publish your Summons. When you arrange for publication, **make sure that the paper will send you an Affidavit of Publication after your Summons has run for six weeks.** You may have to show the newspaper a copy of the Order to Serve by Publication signed by the Commissioner.

STEP 4: OBTAIN AND FILE THE AFFIDAVIT OF PUBLICATION

After the Summons has been published for six consecutive weeks, the paper should send you an Affidavit of Publication stating that your Summons was published for six weeks, with a copy of the published Summons by Publication attached. If you do not receive the Affidavit, call and ask the paper to send an Affidavit to you. Make a copy of the Affidavit of Publication and the published Summons for your own records, then file the original in the Clerk’s Office.

If at least 60 days have passed since the date of first publication and the opposing party has not responded, you may be able to finalize your action by default. Keep in mind, however, that the waiting period for finalizing a dissolution action is longer than 60 days.

Contact the Facilitators’ Office for more information regarding procedures for finalizing your particular action.

WARNING: These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. (You may be able to hire a lawyer for a small fee to review your completed forms and talk about your problem but not represent you in court). If you need a lawyer, contact the Family Law Facilitators’ Office for their *Legal Resource List* or call the King County Bar Association.

KING COUNTY LEGAL PUBLICATIONS

(NEWSPAPERS IN WHICH A SUMMONS BY PUBLICATION MAY BE VALIDLY PUBLISHED FOR KING COUNTY CASES)

(List from King County Clerk's Website as of 9/12/07)

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|--|---|
| 1. Argus(360) 424-3251 | 24. North Seattle Herald-Outlook(206) 461-1303 |
| 2. Auburn Reporter(253) 833-0218 | 25. Puget Sound Business Journal....(206) 876-5500 |
| 3. Ballard News Tribune(206) 388-1854 | 26. Queen Anne News(206) 461-1325 |
| 4. Beacon Hill News.....(206) 461-1325 | 27. Redmond Reporter(425) 867-0353 |
| 5. Bellevue Reporter(425) 453-4270 | 28. Renton Reporter(425) 255-3484 |
| 6. Bothell/Kenmore Reporter(425) 483-3732 | 29. Sammamish Valley News |
| 7. Burien Highline Times(206) 388-1857 | 30. Seattle Chinese Post(206) 223-0623 |
| 8. Capitol Hill Times.....(206) 388-1857 | 31. Seattle P.I.....(206) 448-8000 |
| 9. Catholic Northwest Progress ..(206) 382-4850 | 32. Seattle Times(206) 464-2111 |
| 10. Covington/Maple Valley
Reporter.....(253) 872-6731 | 33. Shoreline/Lake Forest Park
Enterprise.....(425) 673-6500 |
| 11. Daily Journal of Commerce(206) 622-8272 | 34. Snoqualmie Valley Record.....(425) 888-2311 |
| 12. Des Moines News.....(206) 388-1857 | 35. Snoqualmie Valley Reporter |
| 13. Enumclaw Courier Herald.....(360) 825-2555 | 36. South District Journal(206) 461-1300 |
| 14. Federal Way News(206) 388-1857 | 37. Stranger, The(206) 323-7101 |
| 15. Issaquah Press, The.....(425) 392-6434 | 38. Transcript, The..... |
| 16. Jewish Transcript.....(206) 441-4553 | 39. University District Herald.....(206) 461-1303 |
| 17. Journal American.....(425) 453-4233 | 40. Valley Daily News.....(253) 872-6731 |
| 18. Kent Reporter(253) 872-6731 | 41. Vashon-Maury Island
Beachcomber.....(206) 463-9195 |
| 19. King County Publications' Consolidated
Newspaper Group.....(253) 234-3506 | 42. Voice of the Valley(425) 432-9696 |
| 20. Magnolia News(206) 461-1325 | 43. Washington Legal Journal(425) 458-2135 |
| 21. Masonic Tribune(800) 628-4732 | 44. Weekly of Metropolitan Seattle(206) 623-0500 |
| 22. Medium, The.....(206) 323-3070 | 45. West Seattle Herald(206) 932-0300 |
| 23. Mercer Island Reporter(206) 232-1215 | 46. White Center News(206) 932-0300 |
| | 47. Woodinville Weekly.....(425) 483-0606 |